

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GLENN BOWLES,

Plaintiff,

v.

Case No. 20-13175

ELIZABETH DARGA,

Defendant.

ORDER (1) TERMINATING PLAINTIFF'S MOTION TO COMPEL THE CONTINUING DEPOSITION OF ELIZABETH DARGA, (2) TERMINATING IN PART DEFENDANT'S MEMORANDUM OF LAW, AND (3) TAKING UNDER ADVISEMENT DEFENDANT'S MOTION FOR LEAVE TO FILE AMENDED ANSWER AND MOTION IN LIMINE

On January 26, 2023, the court held an in-person hearing to address: (1) Plaintiff's "Motion to Compel the Continuing Deposition of Elizabeth Darga" (ECF No. 87), (2) Defendant's "Memorandum of Law" (ECF No. 89); (3) Defendant Elizabeth Darga's "Motion for Leave to Amend Answer to Plaintiff's First Amended Complaint" (ECF No. 90); and (4) Defendant's "First Amended Motion *In Limine* to Strike Plaintiff's Witnesses and/or Restrict the Scope of Testimony and to Strike Plaintiff's Proposed Exhibit 1" (ECF No. 85). For the reason stated on the record,

IT IS ORDERED that Plaintiff's "Motion to Compel the Continuing Deposition of Elizabeth Darga" (ECF No. 87) is TERMINATED by agreement. The parties have agreed to continue Defendant Darga's deposition on February 1, 2023 afternoon, at defense counsel's office, for no more than 90 minutes.

IT IS FURTHER ORDERED that Defendant's "Memorandum of Law" (ECF No. 89) is TERMINATED IN PART as to Defendant's objection to Plaintiff's proposed jury instruction No. 30, which has been withdrawn.

IT IS FURTHER ORDERED that Defendant's "Memorandum of Law" (ECF No. 89), as to the waiver of the Michigan common-law qualified immunity defense issue, Defendant Elizabeth Darga's "Motion for Leave to Amend Answer to Plaintiff's First Amended Complaint" (ECF No. 90), and Defendant's "First Amended Motion *In Limine* to Strike Plaintiff's Witnesses and/or Restrict the Scope of Testimony and to Strike Plaintiff's Proposed Exhibit 1" (ECF No. 85) are TAKEN UNDER ADVISEMENT. Separate orders will be issued on these motions.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 26, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 26, 2023, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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